

Application No.: 09/736117

Case No.: 56217US002

Remarks

Claims 1 to 24 are pending.

§ 102 Rejections

Claims 2, 3, 5 and 6 stand rejected under 35 U.S.C. § 102(e) as purportedly anticipated by US 6,000,813 (Krietzman). Applicants respectfully traverse.

Regarding claims 2 and 3, the Office Action cites col. 3, Ins. 26-31 of Krietzman for a purported disclosure of a device comprising a plurality of laser elements. While Krietzman suggests the combination of visible and non-visible laser elements, Krietzman fails to specifically teach or suggest a device comprising a plurality of visible-light laser elements capable of emitting beams at different visible frequencies. (Compare also Krietzman at col. 2, Ins. 29-33.) This capability is important to the function of a laser pointer as an aid in the visual presentation of information, as described in the present claims. This rejection should be withdrawn with regard to claims 2, 3, 5 and 6.

Regarding claims 5 and 6, the Office Action cites col. 3, Ins. 26-31 and 50-61 of Krietzman for a purported disclosure of a device wherein no more than one laser diode may be actuated at any one time. No such disclosure of such a device is found at that citation, or anywhere in Krietzman. For that additional reason, this rejection should be withdrawn with regard to claims 5 and 6.

§ 103 Rejections

Claims 4 and 7-21 stand rejected under 35 U.S.C. § 103(a) as purportedly unpatentable over US 6,000,813 (Krietzman) taken alone. Claims 1 and 22-24 stand rejected under 35 U.S.C. § 103(a) as purportedly unpatentable over US 6,000,813 (Krietzman) taken in light of US 5,938,308 (Feldman).

In order to establish prima facie case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP § 2143.03. As noted above, Krietzman fails to disclose or suggest a device wherein no more than one laser diode may be

Application No.: 09/736117

Case No.: 56217US002

actuated at any one time. Since no prima facie case of obviousness has been established with regard to claims 4 and 19, this rejection should be withdrawn.

In order to establish prima facie case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP § 2143.03. Krietzman fails to disclose or suggest a device comprising collimating optics. Although Krietzman discusses numerous options for the addition of optics for modification of a beam, Krietzman fails to disclose or suggest a device comprising collimating optics. Again, although Krietzman discusses numerous options for optical modification of a beam, Krietzman fails to disclose or suggest a device emitting any collimated beam. Indeed, Krietzman distinguishes and criticizes a device having a "collimated output" in the "Background of the Invention" section (col. 1, lns. 37-41), and therefore directly teaches away from such a device. In addition, Krietzman fails to disclose or suggest a device emitting parallel beams. Krietzman fails to disclose or suggest a device emitting beams which are collimated beams and which are substantially parallel. Since no prima facie case of obviousness has been established with regard to claims 7-9, this rejection should be withdrawn.

In order to establish prima facie case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP § 2143.03. Krietzman fails to disclose or suggest a device wherein at least one laser element emits light at a red, orange or yellow visible wavelength and at least one laser element emits light at a green, blue or violet visible wavelength. Krietzman fails to disclose or suggest a device wherein at least one laser element emits light at a red visible wavelength and at least one laser element emits light at a green or blue visible wavelength. Krietzman teaches only "a solid-state diode in the 532-690 nm range" (col. 3, ln. 38-39), which range encompasses green, yellow, orange and red wavelengths. Since no prima facie case of obviousness has been established with regard to claims 10-15, this rejection should be withdrawn.

In order to establish prima facie case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP § 2143.03. Krietzman fails to disclose or suggest a device wherein at least one laser element is a green-emitting II-VI semiconductor laser diode. Krietzman fails to disclose or suggest a device wherein at least one laser element is a red-emitting III-V semiconductor laser diode. Krietzman fails to disclose or

Application No.: 09/736117

Case No.: 56217US002

suggest a device wherein at least one laser element is comprises a green-emitting frequency-doubled laser. The application discloses that the choice of laser element solves a stated problem and is for a particular purpose, both implicitly and explicitly, e.g. at page 3, lines 11-21. Since no prima facie case of obviousness has been established with regard to claims 16-21, this rejection should be withdrawn.

In order to establish prima facie case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP § 2143.03. Both Krietzman and Feldman fail to disclose or suggest a device weighing no more than 450 grams. Feldman is erroneously cited, at col. 2, lns 60-66, for the teaching that "the pointer is light weight", where, in fact, the cited passage states, "A battery is placed in the case . . . in a position to provide comfortable *weight balance* in the instrument . . ." (emphasis added.) The present application discloses that the choice of laser element solves a stated problem and is for a particular purpose, both implicitly and explicitly, e.g. at page 4, lines 28-31. Since no prima facie case of obviousness has been established with regard to claims 1, 22, 23 and 24, this rejection should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance.

Reconsideration of the application is requested.

Respectfully submitted,

January 30, 2004

Date

By: 

Philip Y. Dahl, Reg. No.: 36,115

Telephone No.: (651) 737-4029

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833